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November 9, 2010

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
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Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

Re: UGI Utilities, Inc. – Electric Division  
Energy Efficiency and Conservation Plan  
Docket No. M-2010-\_\_\_\_\_

Dear Secretary Chiavetta:

Enclosed for filing on behalf of UGI Utilities, Inc. – Electric Division (“UGI Electric”) are an original and three (3) copies of UGI Electric’s voluntary Energy Efficiency and Conservation Plan (“EE&C Plan”). UGI Electric is filing its EE&C Plan pursuant to the Commission’s December 23, 2009 Secretarial Letter at Docket No. M-2009-2142851.

UGI Electric’s EE&C Plan follows the guidance provide by the Commission in its Secretarial Letter. The enclosed filing consists of the following documents:

- 1) A Petition requesting approval of UGI Electric’s EE&C Plan and the proposed (a) Energy Efficiency and Conservation and (b) Cost Recovery and Conservation Development Riders;
- 2) UGI Electric’s EE&C Plan;
- 3) *Pro forma* tariff pages for the (a) Energy Efficiency and Conservation and (b) Conservation Development Riders; and
- 4) Three statements of Direct Testimony, and associated exhibits, in support of the EE&C Plan.

UGI Electric respectfully requests that the Commission approve its proposed EE&C Plan and related Energy Efficiency and Conservation and Conservation Development Riders on or before September 30, 2011.

Rosemary Chiavetta, Secretary

November 9, 2010

Page 2

UGI Electric will be represented in this proceeding by the following counsel:

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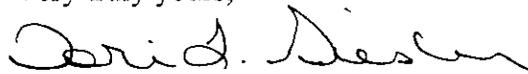
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UGI Electric's attorneys are authorized to receive all notices and communications regarding the Petition and the EE&C Plan.

As shown on the attached Certificate of Service, UGI Electric has served copies of this filing upon the Commission's Office of Trial Staff, the Office of Consumer Advocate, and the Office of Small Business Advocate. In addition, the members of UGI Electric's stakeholder group have been served with both the attached stakeholder letter notifying them directly of the filing, as well as copies of this cover letter, as indicated by the attached Certificate of Service. Finally, UGI Electric is posting this filing to its website. The URL address for that website, which is available to all interested parties and to the public, is <http://eec.ugi.com>.

Please direct any questions regarding the enclosed filing to me.

Very truly yours,



Tori L. Giesler

TLG/san  
Enclosures

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of UGI Utilities, Inc. – Electric :  
Division for Approval of its Energy :  
Efficiency and Conservation Plan : Docket No. M-2010-\_\_\_\_\_

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**PETITION OF UGI UTILITIES, INC. – ELECTRIC DIVISION  
FOR APPROVAL OF ITS  
ENERGY EFFICIENCY AND CONSERVATION PLAN**

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Pursuant to 52 Pa. Code §5.41 (pertaining to petitions generally) and the Commission’s Secretarial Letter of December 23, 2009 (“Secretarial Letter”) (relating to voluntary filings of energy efficiency and conservation (“EE&C”) plans by electric distribution companies (“EDCs”) with fewer than 100,00 customers), UGI Utilities, Inc. – Electric Division (“UGI Electric” or the “Company”) hereby files this voluntary petition (“Petition”) seeking approval of its three-year Energy Efficiency and Conservation Plan (“EE&C Plan” or “Plan”).

This voluntary EE&C Plan includes a portfolio of energy efficiency programs and conservation practices, fuel switching measures and energy education initiatives, all designed to meet the goal of encouraging energy efficiency. For the reasons set forth below, UGI Electric respectfully requests that the Commission approve this voluntary EE&C Plan as described herein and in the appended materials.

## I. INTRODUCTION

1. The names and addresses of UGI Electric's attorneys are:

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2. UGI Electric's attorneys are authorized to receive all notices and communications regarding this Petition.

3. UGI Electric is a "public utility" and an EDC, as those terms are defined in Section 102 of the Public Utility Code, 66 Pa.C.S. §102.

4. UGI Electric provides electric distribution, transmission, and default service to approximately 62,000 customers in a certificated territory in two counties in northeastern Pennsylvania.

5. On November 14, 2008, Act 129<sup>1</sup> became law in the Commonwealth and was made applicable to EDCs with at least 100,000 customers. Although Act 129 was not made applicable to EDCs with fewer than 100,000 customers, the Commission recognized in its Secretarial Letter that the implementation of energy efficiency and

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<sup>1</sup> Act 129 of 2008, P.L. 1592, 66 Pa.C.S §§ 2806.1 and 2806.2 ("Act 129").

conservation measures can assist all electric customers in mitigating retail electric rate increases and ensuring affordable and available electric service. Accordingly, the Commission's Secretarial Letter encouraged such smaller EDCs to file voluntary EE&C plans and it provided guidance regarding the content and Commission review of such plans.

6. In response to the Commission's Secretarial Letter, UGI Electric hereby offers its voluntary EE&C Plan for consideration and respectfully requests Commission approval.

## **II. APPLICABLE STANDARDS**

7. The Commission's Secretarial Letter provided guidance with regard to the suggested elements of a voluntary EE&C plan that may be filed by a smaller EDC like UGI Electric. While many of the Commission's suggestions regarding plan development are not mandatory, it made clear that such plans must contain the following information:

- (1) a detailed plan with a description of energy efficiency and conservation measures to be offered;
- (2) sufficient supporting documentation and verified statements or testimony or both;
- (3) proposed energy consumption or peak demand reduction objectives or both, with proposed dates the objectives are to be met;
- (4) a budget showing total plan expenditures by program and customer class;

- (5) tariffs and a Section 1307<sup>2</sup> cost recovery mechanism; and
- (6) a description of the method for monitoring and verifying plan results.

8. In addition to containing those elements, the Commission provided further guidance with regard to how smaller EDCs should construct their EE&C plans. In pertinent part, the Commission noted that certain elements of the Act 129 EE&C program are instructional and applicable to any prudent cost-effective EE&C plan. For instance, the Commission indicated that it will adopt the Act 129 definition of an “energy efficiency and conservation measure”<sup>3</sup> and apply it to all voluntary EE&C plan filings. Furthermore, the evaluation measurement and verification (“EM&V”) of energy savings are to be evaluated using the Technical Reference Manual established under Docket No. M-00051865. In addition, the Total Resource Cost (“TRC”) Test, as defined in Act 129<sup>4</sup> and applied by the Commission pursuant to order at Docket No. M-2009-2108601, is also applicable to all voluntary EE&C plans to determine whether a certain proposed EE&C plan is cost-effective.

9. The Commission also has encouraged the smaller EDCs that file voluntary EE&C plans to use the Act 129 targets as guiding principles in establishing energy consumption and peak demand reduction objectives. The voluntary consumption reduction objective is to be measured against the filing EDC’s annual historical load for June 1, 2007 through May 31, 2008. Furthermore, a voluntary EE&C plan’s peak demand reduction objective should be measured against the filing EDC’s historical peak

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<sup>2</sup> 66 Pa.C.S. § 1307.

<sup>3</sup> See 66 Pa.C.S. § 2806.1(m).

<sup>4</sup> See *id.*

load for the same time frame. The Commission has stated that it will require all smaller EDCs that voluntarily file a plan to submit an annual report to the Commission detailing the results of the EE&C plan, its cost-effectiveness and any additional information required by the Commission.

### **III. UGI ELECTRIC'S PROPOSED EE&C PLAN**

#### **A. Overview of UGI Electric's EE&C Plan**

10. UGI Electric's EE&C Plan is described more fully below and in **UGI Electric Exhibit 1**. The Company proposes to implement the Plan over a three-year period, beginning December 1, 2011 and ending November 30, 2014. The Plan includes a variety of energy efficiency and conservation practices and peak load reduction and energy education initiatives that are anticipated to reduce customers' energy consumption and reduce peak load on UGI Electric's system. The Plan includes a range of energy efficiency measures and programs that will impact all customer classes in UGI Electric's customer service territory.

11. UGI Electric's portfolio of programs is designed to provide customer benefits and to meet targeted energy consumption reduction goals established by UGI Electric to be reasonably achievable. In particular, these programs are designed to achieve an energy consumption reduction goal of 1% per year on UGI Electric's system through 2014. In addition, UGI Electric anticipates that its Plan will produce peak load reductions, although the Company did not design the EE&C programs with the intent of achieving specific peak load reduction targets.

12. UGI Electric's EE&C Plan is attached hereto and marked as **UGI Electric Exhibit 1**. The Plan addresses each of the requirements in the Commission's Secretarial

Letter. The Plan is divided into the following six sections: (1) Overview; (2) Program Descriptions; (3) Cost-Effectiveness of Plan and Program Summary Charts; (4) Program Management and Implementation Strategies; (5) Quality Assurance/Evaluation Measurement and Verification and Reporting; and (6) Energy Efficiency and Conservation Rider (“EEC Rider”) and Conservation Development Rider (“CD Rider”) Mechanisms.

13. In support of the EE&C Plan, UGI Electric has prepared and attached the following three statements of direct testimony:

- (1) **UGI Electric Statement No. 1** – the Direct Testimony of Brian J. Fitzpatrick – Manager – Energy Efficiency and Conservation, addressing the objectives, philosophy, and process UGI Electric applied in preparing and will apply in implementing the EE&C Plan;
- (2) **UGI Electric Statement No. 2** – the Direct Testimony of Paul H. Raab – Partner, energytools llc., addressing the Company’s programs, how the EE&C Plan was developed, how the EE&C Plan will meet performance requirements, how the Plan measures meet the TRC criterion, and how the EE&C Plan is cost-effective;
- (3) **UGI Electric Statement No. 3** – the Direct Testimony of William J. McAllister – Senior Rates Analyst for UGI Electric Utilities, Inc. – addressing cost development, cost allocation, cost recovery, and revenue stability issues.

14. Included as Appendix A to the EE&C Plan is the proposed *pro forma* tariff that sets forth the EEC Rider designed to fully recover all applicable design, development, and implementation costs related to its Plan. The EEC Rider is fully reconcilable and will be applied to all customers who receive distribution service from the Company. In addition, UGI Electric is proposing to maintain revenue stability due to reduced energy consumption as a result of Plan implementation. As such, Appendix A to the Plan also includes the CD Rider, which is a reconcilable charge applicable to all UGI Electric customers.

**B. EE&C Plan Development Process**

15. In approaching the development of its EE&C Plan, UGI Electric constructed an in-house team with representatives from all affected areas of the Company to solicit input with regard to Plan development. In addition, UGI Electric retained Paul Raab, an experienced and independent economic consultant who has worked extensively in the energy conservation plan arena, to assist in the development and preparation of UGI Electric's EE&C Plan. The Company used actual revenues and MWh sold for the twelve-month period, June 2007 to May 2008, to determine the approximate 2% expenditure target referenced in the Commission's Secretarial Letter. This target established the parameters for constructing a portfolio of measures and programs for each customer sector.

16. The Commission's Secretarial Letter and related provisions of Act 129 referenced therein formed the basis for the development of the Plan. UGI Electric carefully reviewed the statements in the Secretarial Letter to determine the Plan requirements and guidance on desired levels of energy savings and peak load reduction. Working closely with Mr. Raab, the Company used actual total annual revenues for the twelve-months ended May 31, 2008 to determine Plan expenditures used as a guideline for Plan development. These energy consumption reduction and spending targets established a baseline for constructing a portfolio of programs to be made available to all customer classes. UGI Electric assessed the potential savings for a variety of programs and constructed the portfolio it determined was most likely to serve customer needs and achieve its energy conservation targets.

17. The Company also undertook two widely-attended meetings with stakeholders to gather their input regarding the Plan and to offer opportunities for them to participate in the Plan development process. A description of the stakeholder process is contained in Section 1 of the Plan and details are provided in the Prepared Direct Testimony of Brian Fitzpatrick.<sup>5</sup> To the extent possible, UGI Electric has attempted to incorporate the input from stakeholders into the Plan. UGI Electric will continue to solicit input from stakeholders as the Plan is implemented. This feedback should serve as valuable information regarding potential adjustments to the Plan.

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<sup>5</sup> UGI Electric Statement No. 1.

**C. Description of the EE&C Plan**

18. UGI Electric's Plan is a comprehensive package of programs designed to allow customers to effectively and efficiently reduce their energy consumption. The Plan includes the following nine<sup>6</sup> programs:<sup>7</sup>

- (1) Appliance Rebate Program (Residential Sector/Low-Income Customers);
- (2) School Energy Education Program (Residential Sector/Low-Income Customers);
- (3) Compact Fluorescent Lighting Campaign (Residential Sector/Low-Income Customers);
- (4) Appliance Recycling Program (Residential Sector/Low-Income Customers);
- (5) Home Energy Efficiency Incentives – Fuel Switching (Residential Sector/Low-Income Customers);
- (6) Appliance Rebate Program (Commercial and Industrial Sector/Governmental Customers);
- (7) Commercial and Industrial Custom Incentive Program (Commercial and Industrial Sector/Governmental Customers);
- (8) HVAC Tune-up Program (Commercial and Industrial Sector/Governmental Customers); and
- (9) Combined Heat and Power Fuel Switching (Commercial and Industrial Sector/Governmental Customers).

A full description of all of the programs and measures is found in Section 2 of the EE&C Plan.

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<sup>6</sup> The Home Energy Efficiency Initiatives – Fuel Switching offers three different fuel switching measures – water heater, dryer, and space heater fuel switching.

<sup>7</sup> It should be noted that all Residential Sector programs also apply to governmental and non-profit entities such as firehouses, ambulance providers, and senior centers.

19. UGI Electric has designed its programs to achieve energy reductions for its low-income customer segment by providing free or reduced pricing for those customers. Specifically, the Compact Fluorescent Lighting program is designed with this customer segment in mind. Other residential programs, like the Appliance Recycling Program, the Appliance Rebate Program, the Energy Efficiency Incentives -- Fuel Switching, and the School Energy Education Program, likely will assist low-income customers to reduce their electricity consumption as well. These programs are in addition to UGI Electric's already robust low-income assistance programs outside the context of this Plan.

20. The EE&C Plan includes procedures to measure, evaluate and verify the performance of the programs and the Plan as a whole. UGI Electric anticipates an annual review and report to the Commission on the status of the Plan, as described in Section 4 of the EE&C Plan.

21. Section 3 of the Plan describes the cost-effectiveness of the Plan based on the TRC test criterion. The Plan allocates the cost of the measures to the customer class that will benefit from that measure. Appendix B to the Plan provides an illustration per program of key assumptions related to the measure-level savings anticipated.

22. Consistent with the Commission's suggested course, UGI Electric has constructed the Plan with an approximate 2% spending target on EE&C programs and measures. UGI Electric proposes reconcilable recovery of EE&C Plan costs, as outlined in Section 6 of the EE&C Plan. Most of the costs will be incurred to implement the Plan, but UGI Electric also has incurred and seeks to recover the costs to design and create the

Plan and garner Commission approval. All of these costs are recoverable as Plan costs and UGI Electric has designed the recovery rider - the EEC Rider - to so reflect this.

23. UGI Electric proposes to calculate separately and recover the applicable EE&C Plan costs from its individual customer classes. The costs are expected to be incurred on a variable basis in each Plan year. UGI Electric will reconcile the costs annually. UGI Electric's EEC Rider will be in place for a four-year period. This mechanism will be needed to true-up any over or under collection at the end of the three-year Plan.

24. UGI Electric also proposes reconcilable recovery of the associated revenue reduction that will result from the implementation of the EE&C Plan. UGI Electric proposes that the CD Rider remain in place until the effective date of the Company's next base rate compliance filing.

**D. Implementation Strategy**

25. UGI Electric will implement its EE&C Plan through strong customer support and follow-up communication to encourage customers to utilize the Plan measures. UGI Electric anticipates educating customers about its Plan through its own internal staff and via the Conservation Service Providers with which it contracts. UGI Electric also anticipates significant outreach efforts to local market participants during the course of its Plan implementation. The goal will be achieving Plan success through balancing program costs and maximizing customer participation.

**E. Public Interest Determination and Request for Relief**

26. UGI Electric submits that its EE&C Plan as proposed is consistent with the guidance set forth in the Commission's Secretarial Letter and that the Plan is in the

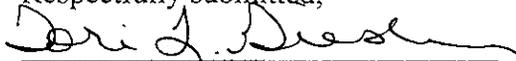
public interest. The Plan includes a broad range of energy efficiency and conservation measures that are designed to meet the needs of all classes of customers. The Plan is cost-effective and is designed to achieve an energy consumption reduction target of 1% per year during the life of the Plan. In addition, although the Company has not proposed specific peak load reduction targets, UGI Electric anticipates that its Plan will produce demonstrable reductions to peak load. In order to build a successful EE&C Plan that effectively meets the interests of UGI Electric's customers and shareholders and the policy goals of the Commission, UGI Electric has diverged from certain Act 129 requirements where appropriate and reasonable in order to overcome certain disincentives that would otherwise prevent the Company from submitting this Plan voluntarily. The prohibition on recovery of lost revenues outside the context of a base rate case for a smaller EDC presents a significant hurdle to the Company's decision to move forward with the proposed voluntary EE&C Plan. Without approval of the CD Rider, UGI Electric would have no incentive to file this voluntary Plan because it would put the Company in the position of foreseeable revenue deficiencies without a recovery mechanism, thereby also unduly influencing the Company's decision to file a base rate case much sooner than it otherwise would. Accordingly, UGI Electric requests that the Commission promptly approve UGI Electric's EE&C Plan as proposed, including the cost recovery and Conservation Development Rider mechanisms set forth in Section 6 of the Plan.

#### **IV. CONCLUSION**

WHEREFORE, UGI Utilities, Inc. – Electric Division, respectfully requests that the Pennsylvania Public Utility Commission approve UGI Electric's voluntary EE&C

Plan, as set forth in this Petition and the attachments hereto. UGI Electric requests that the Commission issue an Order approving the voluntary Plan on or before October 31, 2011. The Company notes that it is voluntarily filing this Plan. Therefore, to the extent that the Commission directs that modifications be made to the Company's voluntarily proposed Plan or adopts final rules that would require the Company to modify the voluntary Plan proposed in this Petition, the Company will evaluate any such modifications and then determine whether to proceed with voluntarily instituting the Plan as modified.

Respectfully submitted,



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Tori L. Giesler (Attorney ID No. 207742)

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Dated: November 9, 2010



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November 9, 2010

**VIA FIRST-CLASS MAIL**

Re: UGI Utilities, Inc. – Electric Division Energy Efficiency and Conservation Plan  
Docket No. M-2010-\_\_\_\_\_

Dear Stakeholder:

UGI Utilities, Inc. – Electric Division (“UGI Electric”) filed today its voluntary Energy Efficiency and Conservation Plan (“EE&C Plan”) pursuant to the Pennsylvania Public Utility Commission’s (“Commission’s”) December 23, 2009, Secretarial Letter at Docket No. M-2009-2142851. **UGI Electric’s filing is available for full download on the following website address: <http://eec.ugi.com>. Requests for hard copies of the filing should include a mailing address and be directed to [eec@ugi.com](mailto:eec@ugi.com).**

UGI Electric’s EE&C Plan follows the guidance provided by the Commission in its Secretarial Letter. The filing consists of the following documents:

- 1) Cover Letter and Certificate of Service;
- 2) A Petition requesting approval of UGI Electric’s EE&C Plan and the proposed (a) Energy Efficiency and Conservation and (b) Cost Recovery and Conservation Development Riders;
- 3) UGI Electric’s EE&C Plan;
- 4) *Pro forma* tariff pages for the (a) Energy Efficiency and Conservation and (b) Conservation Development Riders; and
- 5) Three statements of Direct Testimony, and associated exhibits, in support of the EE&C Plan.

Enclosed for your reference is a copy of the Cover Letter and Certificate of Service filed at the Commission. Please direct any questions regarding this filing to me.

Very truly yours,

Tori L. Giesler

TLG/san  
Enclosures

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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons named and in the manner indicated below which service satisfies the requirements of 52 Pa.Code § 1.54 (relating to service by a party).

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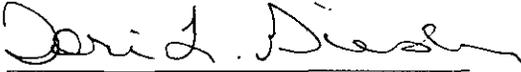
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Dated this 9<sup>th</sup> day of November 2010